

AGENDA

MEETING OF PLANNING AND ORGANIZATION COMMITTEE AND ALAMEDA COUNTY RECYCLING BOARD

Thursday, May 14, 2015
7:00 p.m.

Hayward City Hall
777 B Street
Conference Room 1C, 1st Floor
Hayward, CA 94541
(510) 583-4000
(Directions attached)

Planning & Organization Committee and Recycling Board Members

Daniel O'Donnell, **President**
Environmental Organization

Tim Rood, **1st Vice President**
City of Piedmont

Toni Stein, **2nd Vice President**
Environmental Educator

Adan Alonzo, Recycling Programs

Lorin Ellis, City of Union City

Greg Jones, City of Hayward

Peter Maass, City of Albany

Michael Peltz, Solid Waste Industry Representative

Jerry Pentin, City of Pleasanton

Steve Sherman, Source Reduction Specialist

Minna Tao, Recycling Materials Processing Industry

Meeting is wheelchair accessible. Sign language interpreter may be available upon five (5) days notice to 510-891-6500.

I. CALL TO ORDER

II. ROLL CALL

III. ANNOUNCEMENTS BY THE PRESIDENT

Page IV. CONSENT CALENDAR (P&O & RB)

- | | | |
|---|--|-------------|
| 1 | 1. Approval of the Draft Minutes of April 9, 2015 (Wendy Sommer) | Action |
| 5 | 2. Board Attendance Record (Wendy Sommer) | Information |
| 7 | 3. Written Report of Ex Parte Communications | Information |

V. OPEN PUBLIC DISCUSSION

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Board, but not listed on the agenda. Each speaker is limited to three minutes.

VI. REGULAR CALENDAR (P&O & RB)

- | | | |
|----|---|-------------|
| 9 | 1. Potential Time Change for July Meeting (Wendy Sommer)
Direct staff on the preferred meeting date/time for the July meeting. | Action |
| 11 | 2. Azevada Elementary School Parent Teacher's Association Nonprofit Grantee Presentation (Wendy Sommer & Meri Soll)
This item is for information only. | Information |
| 13 | 3. Reusable Bag Ordinance 2012-2: Potential Expansion (Discussion) (Wendy Sommer & Meri Soll) | Information |

VII. OTHER PUBLIC INPUT

VIII. COMMUNICATIONS/MEMBER COMMENTS Information

IX. ADJOURNMENT

**Hayward City Hall
777 B Street
Hayward, CA 94541**

Directions

Directions from I-880 North

Take I-880 South toward San Jose
Take the A Street Exit toward Downtown
Turn Left onto West A Street
Turn Right onto Grand
Turn Left onto B Street
Right onto Watkins

Directions from I-880 South

Take I-880 North towards Oakland
Take the A Street Exit toward Downtown
Turn Right onto West A Street
Turn Right onto Grand
Turn Left onto B Street
Right onto Watkins

Parking is available across the street from Hayward City Hall on Watkins

Directions from BART

Get off at the Hayward BART Station
Exit the Station
Turn Right onto B Street
Walk 1 Block to Hayward City Hall at the corner of B Street and Watkins

DRAFT

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING & ORGANIZATION COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

**Thursday, April 9, 2015
7:00 p.m.**

**San Leandro Senior Community
Center
13909 E. 14th Street
Meeting Room C
San Leandro, CA 94578
510-577-7990**

I. CALL TO ORDER

President Daniel O'Donnell called the meeting to order at 7:00 p.m.

II. ROLL CALL

Adan Alonzo, Recycling Programs

Jerry Pentin, City of Pleasanton

Greg Jones, City of Hayward

Peter Maass, City of Albany

Daniel O'Donnell, Environmental Organization

Lorin Ellis, City of Union City (arrived 7:50 p.m.)

Tim Rood, City of Piedmont

Steve Sherman, Source Reduction Specialist (arrived 7:05 p.m.)

Toni Stein, Environmental Educator

Minna Tao, Recycling Materials Processing Industry (arrived 7:20 p.m.)

Absent:

Michael Peltz, Solid Waste Industry Representative

Staff Present:

Gary Wolff, Executive Director

Wendy Sommer, Deputy Executive Director

Tom Padia, Recycling Director

Debra Kaufman, Senior Program Manager

Jeanne Nader, Program Manager

Kelly Schoonmaker, Program Manager

Meri Soll, Senior Program Manager

Wes Sullens, Program Manager

Arliss Dunn, Clerk of the Board

Audrey Beaman, County Counsel

III. ANNOUNCEMENTS BY THE PRESIDENT

There were none. Wendy Sommer welcomed the Board to the San Leandro Senior Community Center and indicated that the facility has received funding from StopWaste and has a LEED Gold rating and is Bay-Friendly. Ms. Sommer invited the Board to view the dry creek bed directly behind the facility.

IV. CONSENT CALENDAR

- | | |
|--|--------------------|
| 1. Approval of the Draft Minutes of March 12, 2015 (Wendy Sommer) | Action |
| 2. Board Attendance Record (Wendy Sommer) | Information |
| 3. Written Report of Ex Parte Communications (Wendy Sommer) | Information |

Board member Maass made the motion to approve the Consent Calendar. Board member Rood seconded and the motion carried 7-0 (Ellis, Peltz, Sherman, and Tao absent).

V. OPEN PUBLIC DISCUSSION

There was none.

VI. REGULAR CALENDAR

- | | |
|---|--------------------|
| 1. Presentation of Projects: Grants & Loans, Household Hazardous Waste, Reusable Bag Ordinance (Wendy Sommer & Jeanne Nader) | Information |
|---|--------------------|
- This item is for information only.

Wendy Sommer provided an overview of the staff report and PowerPoint presentation and provided a prelude to the featured projects presentation. Ms. Sommer introduced Program Managers leading the project: Debra Kaufman, Jeanne Nader and Meri Soll. Wes Sullens, Program Manager, was present as well. A copy of the PowerPoint presentation is available here: <http://stopwaste.org/HHW-BagsPresentation>

Board member Stein inquired about the grants for water hydration stations. Ms. Soll stated the water hydration station replaces the traditional water fountain with filtered chilled water to refill reusable water bottles, thus reducing the number of bottles in the waste stream. Board member Pentin asked if the grant focus is for Alameda County only. Ms. Soll stated yes, although the grantee can be located outside of Alameda County as long as the project divert waste in Alameda County.

Board member Stein inquired if the reusable bag exhibit/fundraiser at Creative Growth in Oakland is still open. Ms. Soll stated that she is not sure if the exhibit is still open. However, a video was taken of the event and is currently being edited. Ms. Soll will provide a copy of the video when finalized. Mr. Padia stated that they have regular store hours and probably still have bags available for purchase.

Board member Stein asked if the loan program is for recycling only. Mr. Padia stated it could be for a non-recycling company to purchase equipment that will reduce waste. Board member Sherman inquired if the loan program criteria include waste reduction of yard trimmings. Mr. Wolff stated if the Board has a particular interest that is worthwhile the loan guidelines can be changed at the Boards' discretion.

Board member Stein inquired with respect to e-waste collection, if there is a relationship between the HHW program and Oakland Technology Exchange (OTX), where OTX has the opportunity to look through the e-waste to get computers or parts that can be reused. Ms. Kaufman stated she is not sure but will follow up with the Alameda County HHW Program Manager. Board member Rood inquired about the footprint needed for the one-stop collection events. Ms. Sommer stated the minimum area required is 300X500 feet. Board member Alonzo stated that the reuse program at the Fremont Transfer Station is

very successful and inquired about the success of the reuse program at the other facilities, and how the paint care program augments the HHW program. Ms. Kaufman stated that revenue received from Paint Care and other Product Stewardship programs offsets the HHW costs.

Board member Maass inquired about the outreach efforts for the one day drop-off HHW events. Ms. Nader stated similar to the event in San Leandro, the event in Berkeley and Albany in June will include targeted marketing to residents, including postcard mailings, press advisories etc. Berkeley and Albany staff will be doing some of their own promotion as well. Ms. Sommer stated the video included in the PowerPoint presentation will be made available to all cities and member agencies. Board member Alonzo inquired about the contact person for updating member agency information on the StopWaste website. Ms. Nader stated that she will forward the updated information to the webmaster. Board member Stein requested information on how much waste is collected by category. Ms. Kaufman stated that she can provide the information to her. Ms. Kaufman added when we did the analysis two years ago the cost of processing HHW was \$2,000 per ton, compared to under \$300 per ton for solid waste (including sorting and collection).

Board member Jones recommended working with the local Association of Realtors to inform them about where to dispose of paint products. Ms. Kaufman stated there has been discussion regarding coordinating with the Association regarding the Paint Care program. Board member O'Donnell recommended reaching out to residents that are now losing their lawns and informing them about where to dispose of pesticides as well as swimming pool chemicals. Ms. Nader stated that she has been working on distributing information on proper disposal of these materials at the lawn conversion events. Board member Sherman recommended working with the Berkeley Rent Board to provide information on where to properly dispose of HHW materials. Board member Stein recommended partnering with PG&E or a utility entity with respect to managing proper disposal of fluorescent lamps. Ms. Sommer stated it is worth exploring working with Rising Sun, a local non-profit offering Green Energy Training Services for adults and youth focused on careers in construction, energy efficiency, and the solar industry.

Board member Alonzo asked if neighboring jurisdictions must comply with the Reusable Bag Ban. Ms. Soll stated if SB 270 had passed all local government entities would have had to comply with the State ban. Board member Sherman asked how many cities have a reusable bag ban. Ms. Soll added that the Californians Against Waste website has that information. Later in the meeting, she stated that as of September 2014, 127 California Cities have plastic bag ordinances in place, and 44 Cities are located in the Bay Area.

President O'Donnell thanked staff for the presentation.

**2. Preliminary Legislative and Regulatory Positions for 2015
(Wendy Sommer & Debra Kaufman)**

Action

Staff recommends that the Committees recommend the preliminary legislative positions to the full Authority Board for the 2015 session of the California legislature.

Debra Kaufman provided a summary of the staff report. The report is available here:
<http://stopwaste.org/2015legislativepositions>

Board member Tao noticed that the person championing AB 901 (Gordon) is from San Mateo County, not Alameda County. Ms. Kaufman commented that this is an issue that affects local governments across the State. San Mateo and San Francisco are not getting accurate information about waste generated in their jurisdictions. Ms. Sommer added we still may have an Alameda County legislator co-author the bill. Board member Sherman inquired about the loss in revenue for Alameda County. Mr. Wolff stated that

it's estimated that Alameda County is losing approximately \$500,000 to \$2 million in revenue annually and San Mateo approximately \$1 million annually.

Board member Alonzo inquired if StopWaste considered helping municipalities enforce against illegal haulers. Ms. Kaufman stated that this is a concern frequently raised at the Technical Advisory Committee (TAC) meeting and this bill will help to address the issue as we will be able to obtain more information on the haulers and tons hauled out of county.

Ms. Kaufman discussed the staff recommended position of "oppose unless amended" on SB 47, a proposed two year moratorium on synthetic turf made from waste tires, until the results of a study on the potential adverse health impacts of synthetic turf was completed. Board member Stein commented that she disagrees with the agency's position on SB 47 and that there are numerous toxic components contained within this product, which is of concern, especially where children are playing. Ms. Kaufman noted that dozens of studies have been conducted on this issue already and doing another study would not resolve this issue unless it is a comprehensive study. The study needs to be well defined to make it useful in evaluating whether and at what exposure level, there may be health concerns of specific components in various tire related products, including pour-in-place products as well as crumb rubber. An adequate set of field data is necessary to draw conclusions. One goal should be the creation of standards for use of the product in a variety of settings including playing fields and playgrounds. A moratorium for two years without an adequate study will not solve the issue. Additionally, tire disposal remains an important solid waste challenge for which safe recycling alternatives are needed. A number of our Alameda County jurisdictions are using this product as a more economical, water conserving alternative to grass. Board member Pentin commented that the City of Pleasanton has decided not to use this product in a new set of fields in Pleasanton and determined that it's worth the extra cost of \$1 million. Board member Stein stated as a County we should look at our tire management and make every effort to get them used on the highways and away from children.

Board member Sherman stated although still very vague, staff should take an interest in AB 1063 dealing with Solid Waste Disposal Fees.

Board member Pentin made the motion to accept the staff recommendation. Board member Ellis seconded and the motion carried 9-0-1 (Tao abstained) (Peltz absent).

VII. OTHER PUBLIC INPUT

There was none.

VIII. COMMUNICATIONS/MEMBER COMMENTS

President O'Donnell commented that a city in Arizona is proposing a ban on banning plastic bags.

IX. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

2015 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
A. Alonzo	X	X	X	X								
L. Ellis	X	X	A	X								
G. Jones	X	X	X	X								
P. Maass	X	X	X	X								
D. O'Donnell	X	X	X	X								
M. Peltz	X	X	X	A								
J. Pentin	X	X	I	X								
T. Rood	X	X	X	X								
S. Sherman	X	X	X	X								
T. Stein	X	A	X	X								
M. Tao	X	A	X	X								
INTERIM APPOINTEES												
D. Biddle			X									

Measure D: Subsection 64.130, F: Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time, as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.

X=Attended

A=Absent

I=Absent - Interim Appointed

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DATE: May 7, 2015
TO: Recycling Board
FROM: Wendy Sommer, Deputy Executive Director
SUBJECT: Written Reports of Ex Parte Communications

BACKGROUND

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

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DATE: May 6, 2015
TO: Planning & Organization Committee/Recycling Board
FROM: Wendy Sommer, Deputy Executive Director
SUBJECT: Potential Time Change for July Meeting

BACKGROUND

The Board adopted a meeting calendar that schedules the July 9th meeting to be held at 7 p.m. in District 1. Board member Alonzo has offered to host the meeting at the Fremont Recycling and Transfer Station. Separately, staff has been working with Tesla to see if they are willing to offer us a tour of their facility in Fremont. Tesla recently informed us that they are open to giving us a tour as long as it ends by 5 p.m.

DISCUSSION

The Alameda County Waste Reduction and Recycling Initiative Charter Amendment (“Measure D”) requires that at least one regularly scheduled evening meeting per year is held in each supervisorial district. Regular meetings are also required to be scheduled with at least one month notice to the public.

If Board members are interested in touring Tesla, here are three options that could be considered:

1. Change the meeting time to 4 p.m. and schedule another evening meeting in District 1 later in the year (October 8th or December 10th). Those meetings are currently scheduled for 4 p.m. at StopWaste’s offices.
2. Change the meeting time to 5:30 p.m. (which still qualifies as “evening”). Tour Tesla at 4 p.m. and convene the meeting at 5:30 p.m. at the Fremont Transfer Station.
3. Keep the meeting at 7 p.m. at the Fremont Transfer Station. The Tesla tour will start at 4 p.m. but would be voluntary for those who are interested. Note that this option will leave a gap of 2 hours between the end of the tour time and the start of the public meeting time.

All of the options above would satisfy Measure D requirements.

RECOMMENDATION

Direct staff on the preferred meeting date/time for the July meeting.

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DATE: May 6, 2015

TO: Planning & Organization Committee/Recycling Board

FROM: Wendy Sommer, Deputy Executive Director
Meri Soll, Senior Program Manager

SUBJECT: Azevada Elementary School Parent Teacher’s Association
Nonprofit Grantee Presentation

BACKGROUND

The Recycling Board has awarded grants through the Grants to Nonprofits program for the past seventeen years via an open Request for Proposal process. In that time, the Recycling Board has awarded approximately \$7.25 million dollars in grant funding from the Competitive and Reuse grants program. The Board has requested periodic status reports on grant recipients. Staff has selected Azevada Elementary School Parent Teacher’s Association to provide an update and brief presentation. Presentation to include the work Azevada Elementary students and families have been engaged in to increase food scrap recycling in their Fremont community as a result of their recent \$5,000 Community Outreach Grant funding.

DISCUSSION

Azevada Elementary PTA was one of the first recipients to receive a Community Outreach grant which focused on promoting the importance of food scrap recycling to non-English speaking, low-income communities. Using the Ready Set Recycle curriculum coupled with presentations by StopWaste’s Community Outreach Associate, Azevada has done an impressive job in educating their Fremont community on simple and effective ways to increase food waste recycling. The grant served as a catalyst for Azevada Elementary School in implementing food scrap recycling for the 2014-2015 school year. A year later, Azevada partnered with StopWaste and the Community Rejuvenation project to complete a mural promoting composting at school and in the community.

Maryann Koller, PTA president, will be presenting the outcomes and results of the recent grant.

RECOMMENDATION

This item is for information only.

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DATE: May 7, 2015

TO: Programs & Administration Committee
Planning & Organization Committee/Recycling Board

FROM: Wendy Sommer, Deputy Executive Director
Meri Soll, Senior Program Manager

SUBJECT: Reusable Bag Ordinance 2012-2: Potential Expansion (Discussion)

BACKGROUND

The purpose of this memo is to provide Committee members with an update on the outcomes of the Board-approved process to consider expansion of Ordinance 2012-2. As a review, the following highlights the history of the Reusable Bag Ordinance:

- January 25, 2012 – Reusable Bag Ordinance 2012-2 adopted by WMA Board. The ordinance covers approximately 1300 stores that sell packaged food. At that time, the Board stated it would consider possible expansion or modifications of the ordinance at a later time, when staff could present information on the effectiveness of the Ordinance.
- January 1, 2013 – Ordinance becomes effective. Single-use plastic bags no longer available at stores that sell milk, bread, soda and snack foods. A minimum of 10 cents charged for each paper bag or reusable bag.
- September 17, 2014 - based on data presented by staff, the WMA Board made a finding that the ordinance has achieved its goal to substantially reduce environmental impacts. Under the term of the ordinance, making this finding means that the minimum price per compliant bag will not increase from 10 cents to 25 cents. Link to September staff memo can be found [here](#).
- October 9, 2014 – staff presented information to both the P&A and P&O/RB Committees regarding budget and scope for potential expansion of the ordinance. Both Committees in support of the need for buy in from *all* fifteen member agencies that participate in the current ordinance.
- October 22, 2014 – WMA Board unanimously adopted the proposed schedule and deliverables ([ATTACHMENT A](#)) as the process to be followed for consideration of expansion of Ordinance 2012-2. Link to the October staff memo can be found [here](#)

- March 1, 2015 – Deadline for Alameda County Clean Water Program to provide details regarding levels of commitment to support expansion.

DISCUSSION

This and prior memos provide Committee members with a variety of data regarding ordinance effectiveness, expansion options, and the costs and benefits of expansion.

Board Approved Process

The Board adopted a process in October 2014 which outlined specific commitments and deliverables to be accomplished for the Agency to move forward with any consideration of ordinance expansion. The first two deliverables that needed to be in place by March 1, 2015 (before the FY 15/16 budget proposal) were:

- 1. Commitment from Alameda County Clean Water Program to provide financial and programmatic support if the ordinance is expanded to additional stores**

The Clean Water program agreed to provide \$180,000 if Ordinance 2012-2 is amended to expand to all retail stores (not including restaurants), estimated at 7,000 additional stores.

- 2. Alameda County Clean Water Program staff at all fifteen currently participating member agencies to obtain Chief Executive support or neutrality for the same option (or options, if there is agreement among all fifteen at the staff level that more than one option would be desirable or acceptable)**

Not all Clean Water Program members (staff of local jurisdictions) were able to obtain support or neutrality from each of their local jurisdictions' Chief Executive. Only eight cities were able to provide written support for expansion. Several staff members expressed confusion and difficulty with implementing the proposed process, citing the need for City Council action to provide direction. However, the approved process did not ask for a City Council policy decision at this time -- only a statement that there was no objection from an administrative perspective to expansion, with the understanding that City Councils would have an opportunity to weigh in later, after a stakeholder engagement process, via their representative on the WMA Board. The majority of the Clean Water Program members show support for the expansion – though not unanimously.

Obtaining consensus among member agency staff is crucial to implementing an expansion, since varying coverage of the ordinance in different parts of the County would be confusing for shoppers; and as we have learned with Mandatory Recycling Ordinance, difficult and more expensive to implement than a uniform expansion.

In terms of options, the Clean Water Program supports adding all retail stores (not including restaurants) using a complaint based enforcement approach due to the large number of affected stores. The current ordinance enforcement uses an inspection based protocol, meaning all affected stores are inspected for compliance. Stores affected by the current ordinance are at 88% compliance, and we continue to work with these stores to bring them into compliance. If the ordinance is expanded, enforcement would need to switch from compliance based to complaint based, and compliance therefore might be lower.

The Board-approved decision process (Attachment A) requires that both commitments be met in order to amend Ordinance 2012-2. As only one of two required commitments has been met, the process of considering expansion should end at this time. However, there has been some change in Board membership, and more data gathered, since the process was approved. Additional information for Board consideration is included below.

Expansion Effectiveness

A thorough ordinance effectiveness analysis (for affected stores) was included in the September Board memo, summary can be found [here](#).

Staff has been conducting visual observations at a variety of stores since 2012 to gather baseline data for ordinance effectiveness. Recently, staff observed consumers at 48 retail stores not currently covered by our ordinance to assess the amounts and types of bags distributed in a one hour period. We did a similar store observation at 17 grocery, convenience and drug stores in 2012 prior to Ordinance 2012-2 implementation. The results show that the 48 non-covered retail stores as a group distributed only 33% the number of single use plastic bags in a one hour time frame than the 17 food related stores as a group did prior to the start of Ordinance 2012-2. On a per store basis, each non-covered store distributed less than 12% the number of single use plastic bags in a one hour time frame than each covered store prior to the start of the Ordinance. Either non-covered stores distributed far fewer bags than did covered stores prior to the start of the Ordinance, or the Ordinance caused positive changes to consumer behavior beyond the covered stores. The chart below summarizes store survey results:

BAG TYPE	17 COVERED STORES 2012 (pre-ordinance)	48 NON-COVERED STORES 2014
PAPER	657	23
PLASTIC	2241	732
REUSABLE CLOTH	343	94
NO BAG / HAND CARRY	281	909

# of shoppers counted in 1 hour	1592	1655
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**Non affected store types: Sporting goods, beauty stores, hardware, home improvement, art supply, electronics, fabric, pet food, toys, auto repair, clothing, office supply and fast food restaurants.*

An expanded retail ordinance (adding as many as 7,000 new stores) will certainly reduce the number of single-use plastic bags distributed in Alameda County. However, staff has been grappling with ways to assess just how many more single use plastic bags would be reduced should the ordinance be expanded. Based on the above (admittedly limited) data, the current ordinance (covering 1,300 stores) is estimated to capture more bags than we would from the 7,000 additional stores.

Data Quoted by Save the Bay

Save the Bay has sent letters to several member agencies' City Councils urging their support for expansion of the current ordinance (Attachment B). Two sources of data were quoted in the letter: data on plastic bag litter reduction as a result of San Jose's bag ordinance which affects all retail stores, and plastic bag persistence at Alameda County Trash Hot Spots 2011-2014.

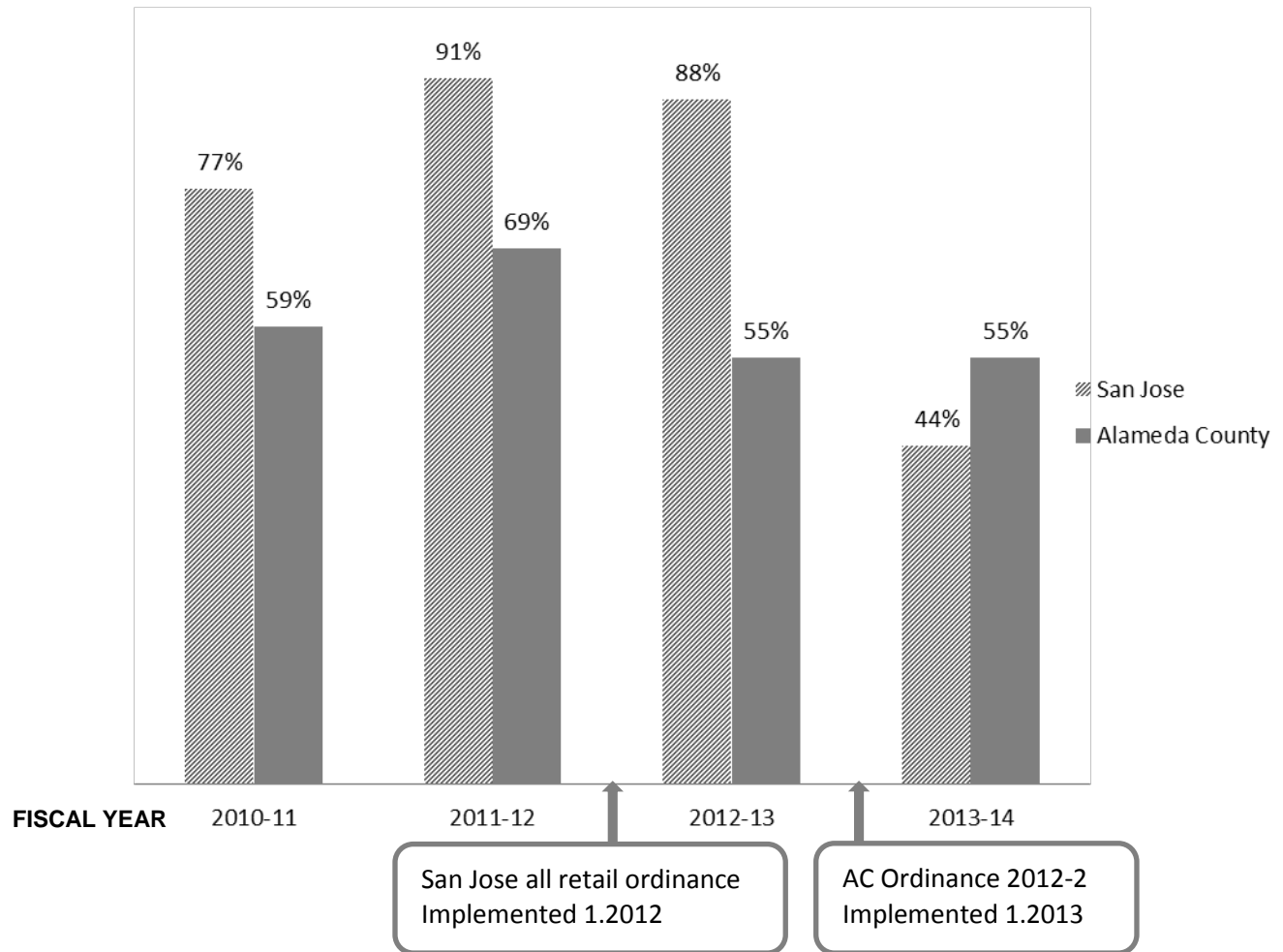
Their letter references the City of San Jose's all retail bag ordinance (which affects approximately 5,000 stores), as an example of a broader ordinance more effective at keeping bags out of local waterways. The letter cites a San Jose staff report showing a decrease of plastic bags found in municipal storm drains by 89% as a result of their all retail ordinance. Recent conversations with San Jose staff verified that, due to errors in calculations, plastic bag reductions in storm drains during the time of data collection was actually closer to 62% (not 89%). A similar study done for Alameda County storm drains fitted with capture devices showed a 44% reduction in bags one year after the bag ordinance affecting 1,288 stores was implemented.

Save the Bay's letter also references plastic bag persistence at Alameda County Trash Hot Spots (data pulled from the Alameda County cities' [Municipal Regional Stormwater Reports](#) required by the State Water Board under their NPDES permits). A trash hot spot is defined as a creek length of at least 100 yards or 200 yards of shoreline length that is the focus of required annual trash assessments and cleanups due to high levels of trash found in the waterway.

This data was used to illustrate that in 2014, plastic bags (and other types of plastic debris and trash) were still found at 55% of the county's trash hot spots. The data point only identifies the *presence* of plastic bag(s), not the type and quantity found or if there was an increase or decrease of the number of bags found at each hot spot. Although of concern, this measurement is not comprehensive enough to assess ordinance effectiveness or confirm that expanding the ordinance would yield substantially fewer hotspots with the presence of bags.

The chart below shows that even with an ordinance that affects all retail stores (such as San Jose's), plastic bags can still be found at many trash hot spots (44% in San Jose). This is because regardless of the number and types of stores affected by the ordinance, plastic bags are still available to, and used by, the general public in many ways other than carrying items purchased in stores. The majority of bag ordinances in other jurisdictions are relatively new with little data available for review.

Percentage of Trash Hot Spots with Plastic Bags



Please note, the chart included in the Save the Bay communications (Attachment B) included erroneous data for Alameda County in both FY 12/13 and FY 13/14 regarding percentage of hot spots with presence of plastic bags as well as the start date of Ordinance 2012-2. The chart above shows the correct data.

Agency Priorities and Budget Considerations

Should the WMA Board decide not to follow the previously approved process and move forward with an expansion, the proposed FY 15/16 budget will have to be amended. Staff estimates that for FY 15/16, an additional \$200,000 (labor and hard costs) would be needed to expand Ordinance 2012-2 to add 7,000 retail stores (this is in addition to the current ordinance project expenses of \$155,633 budgeted for FY 15/16). The additional \$200,000 breakdown is as follows:

- Labor costs: 575 staff hours totaling \$116,000. These hours will have to be re-allocated from other projects, primarily from Grants to Non Profits, Household Hazardous Waste Facilities, and the Mandatory Recycling Ordinance. These three projects are high priority work areas for the Agency at present.
- Hard costs: \$84,000 to cover activities involved in the update of database of affected stores (consultants and purchase of database) as well as communications and outreach to newly affected stores.

Additional costs for FY 16/17 and on-going costs once expansion has been implemented can be found in [ATTACHMENT C](#). The lowest cost approach -- complaint based enforcement -- is estimated to require \$200,000 for startup, and \$120,000 for first year implementation. The Alameda County Clean Water Program's \$180,000 contribution towards expansion will be offered only if Ordinance 2012-2 is amended to include all retail stores and does not nearly cover all costs for expansion. In addition, reallocation of staff labor hours from (currently) higher priority projects to expansion activities will need to be addressed.

In summary, staff sees the following options for committee members to discuss:

- Option 1: Adhere to Board-approved process; do not pursue expansion any further.
- Option 2: Continue to pursue expansion despite lack of consensus amongst member agency staff. Amend FY 15/16 Budget to re-allocate staff hours and add \$84,000 of hard costs.
- Option 3: Other? (Based on input from Committees)

RECOMMENDATION

This is an information item only for discussion by Committees.

We can schedule an action item for later meetings (both Committees first, or directly to the WMA, depending on Board feedback), if Board members would like to consider taking formal action (option 1 does not require action). The schedule for that depends on the feedback received. Note that the Recycling Board does not have the authority to adopt ordinances, and is being consulted in its capacity as a Committee of the WMA.

Attachments:

- [ATTACHMENT A](#) - Proposed Expansion Process and Schedule approved by WMA
- [ATTACHMENT B](#) - Save the Bay Correspondence
- [ATTACHMENT C](#) - Ordinance Expansion Budget

ATTACHMENT A – Proposed Schedule

The proposed schedule below outlines commitments and deliverables to be accomplished in order for the Agency to move forward with any expansion of the ordinance.

TASK	TIMING
Committees: Overview of potential expansion	October 2014
<p>COMMITMENTS NEEDED BEFORE THE FY15/16 BUDGET PROPOSAL:</p> <p>Commitment from Alameda County Clean Water Program to provide financial and programmatic support if the ordinance is expanded to additional stores</p> <p>Clean Water Program staff at <u>all fifteen</u> currently participating member agencies to obtain Chief Executive support or neutrality for <u>the same option</u> (or options, if there is agreement among all fifteen at the staff level that more than one option would be desirable or acceptable).</p>	By March 1, 2015
<i>IF THE TWO COMMITMENTS ABOVE HAVE BEEN MADE, the following activities would be part of FY 15/16 project budget:</i>	
Finalize Clean Water Program Commitments (in part, through an MOU)	April 2015
Outreach to stakeholders	May – September 2015
Coordinate with cities outside our County with similar expanded store set(s). Review approaches/results/lessons learned	May – August 2015
Compile database of affected stores	July–November 2015
Develop ordinance parameters	July -September 2015
Provide project budget, scope and recommendation to WMA	September 2015
Proposed amendment language presented and reviewed by WMA Board	October 2015
CEQA analysis/EIR Amendment – ONLY if expansion to restaurants is part of proposed project.	November to February 2016
WMA representatives and member agency staff consult with elected colleagues.	November to February 2016
1st reading	March 2016
2nd reading and Adoption	April 2016
Merge data into current database and/or expand to CRM	March - June 2016
Revise and reprint outreach materials	April 2016
Collect baseline data for pre ordinance metrics (parking lot surveys, purchasing data, creek audits, etc)	April –August 2016
Outreach to public and stores	April - September 2016
Mail to notify affected stores with materials and message to use up bags	May 2016
Second mailing to affected stores - remind to use up bags, purchase compliant bags	July 2016
Third mailing to affected stores – final reminder	September 2016
Ordinance Effective	October 2016
FY 16/17 - FY 18/19 (Implementation and enforcement - timeframe dependent upon store set and enforcement approach)	2016-2019
Ongoing activities:	2019 and beyond
Update affected store database, ongoing enforcement, new store inspections, complaint follow ups, respond to hotline calls, update compliant bag listings, effectiveness studies	On going



April 2, 2015

Pleasanton City Council
P.O. Box 520
Pleasanton, CA 94566

RE: Single-use bags in Alameda County

Dear Mayor Thorne and Council Members:

On behalf of Save The Bay's 60,000 members throughout the Bay Area, including over 600 in Pleasanton, we urge the city to support an expanded single-use bag ordinance throughout Alameda County. The current ordinance only covers 1,900 out of the 7,000 retailers in the county – plastic bags are still being littered throughout Alameda County and its waterways. Like other Bay Area cities, Pleasanton must reduce trash in its stormwater system by 70 percent by 2017; eliminating common litter items like plastic bags is a proven way to achieve trash reductions.

Plastic bags continue to pollute Alameda County trash hotspots – creek and shoreline locations where trash accumulates. In 2014, plastic bags were found at 70 percent of the county's trash hot spots, compared with 58 percent prior to the ordinance going into effect. In Pleasanton, plastic bags continue to be dominant litter items around Stoneridge Mall and in the industrial/retail area surrounding Hopyard Rd. and Owens Dr. Plastic bags on the street become creek and Bay trash when they enter storm drains, which flow directly into the Bay.

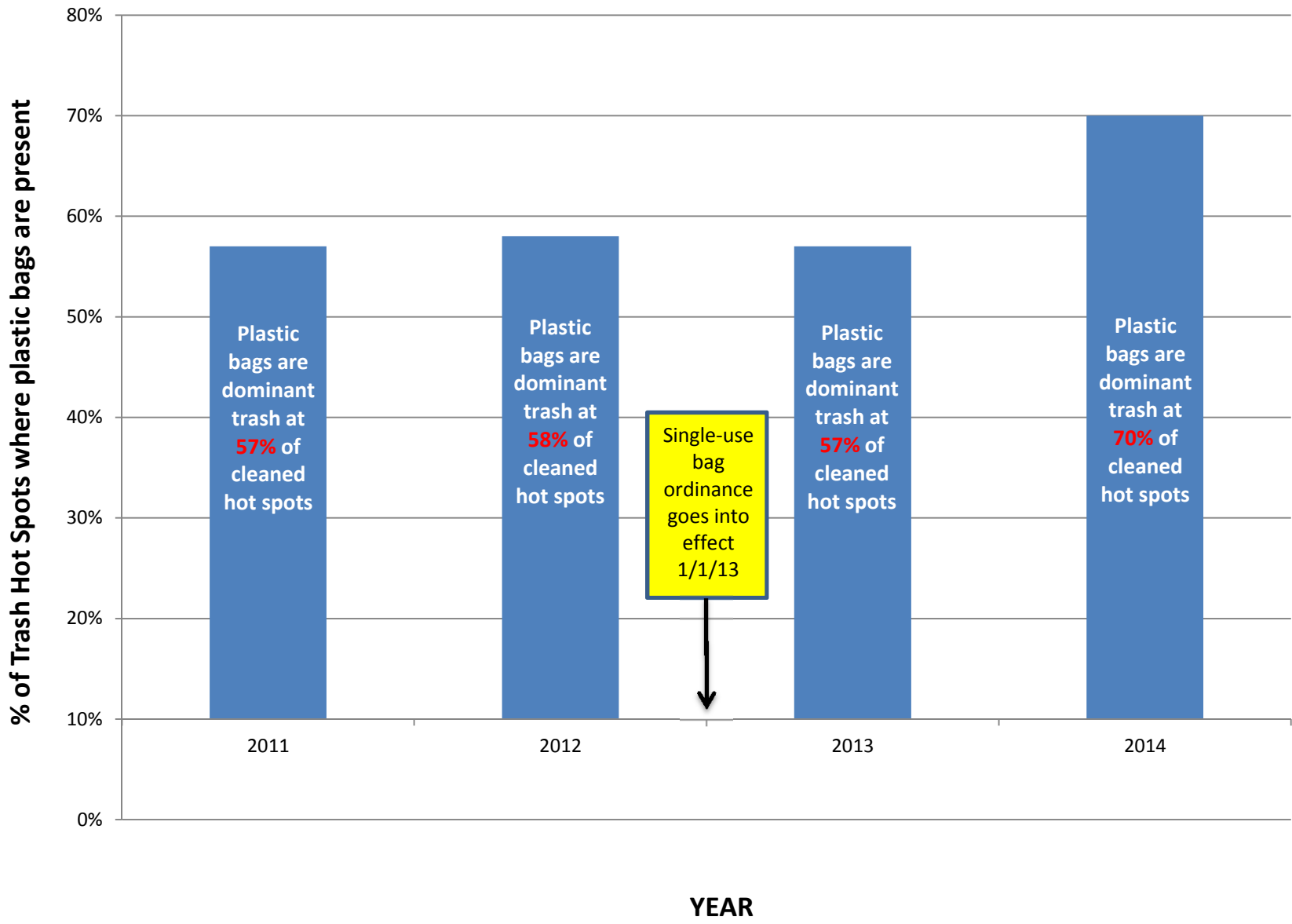
We know that broader ordinances covering all retailers are effective at keeping bags out of local waterways. One year after San Jose implemented its bag ordinance, which covers retailers of all sizes, the city found that over three years, plastic bag litter decreased by 71 percent in local waterways and 89 percent in municipal storm drains. Plastic bag bans are prevalent across the Bay Area – 80 percent of Bay Area residents now live in jurisdictions that have banned plastic bags.

It is time for Pleasanton and others in Alameda County to catch up to the majority of Bay Area cities that have implemented stronger policies to protect the Bay from plastic pollution. We urge you to support expanding the current ordinance and put the city on a stronger path toward zero trash. Thank you for your consideration.

Sincerely,

David Lewis
Executive Director

Plastic bag persistence at Alameda County Trash Hot Spots 2011-2014



ORDINANCE 2012-2 -- BUDGET SCENARIOS

	FY 14- 15 Mid Year Budget	FY 15-16 Mtc Mode/ No Expansion	FY 15/16 Expansion Only	FY 15/16 Mtc and Expansion	FY 16/17 Expansion Only	FY 16/17 Estimated Expansion and Mtc Mode
LABOR COSTS	\$194,584	\$138,653	\$115,173	\$253,826	\$71,490	\$210,143
HARD COSTS	\$22,500	\$17,000	\$84,000	\$101,000	\$47,000	\$64,000
TOTAL PROJECT COSTS	\$217,084	\$155,653	\$199,173	\$354,826	\$118,490	\$274,143

LABOR TASKS

FY 15/16 Mtc Mode - Update of current database, visit new stores, follow up on complaints, coordinate in field inspectors, compliant bag communications, hotline inquiry response

FY 15/16 Expansion - Ordinance amendment, board presentations, identify affected stores and sources of data (city, county, D&B, etc), update database, stakeholder outreach activities.

FY 16/17 if expanded - Add new stores to database, store surveys, visit stores, enforcement activities begin.

HARD COSTS

FY 15/16 Mtc Mode: Database update purchase and consultant, new store notification and inspection costs,

FY 15/16 Expansion Costs: Database purchase and IT Consultant, newly affected store notification and outreach costs.

FY 16/17 if expanded: Notification and enforcement for newly affected stores costs.



Arizona legislature passes ban on bans on plastic bags

Lawmakers say that regulating use of plastic bags puts an undue burden on small businesses - and now bill will go before governor Doug Ducey

Jana Kasperkevic in New York

Friday 3 April 2015 11.47 EDT

The state legislature in Arizona has passed a bill that would prohibit local cities and counties from implementing bans on the use of plastic bags.

It is now up to the governor, Doug Ducey, whether the bill will become a law.

The ban on bans would also rule out regulations prohibiting the use of plastic bags, styrofoam, cans and bottles. Furthermore, it would stop local governments from requiring businesses to report their energy use.

Arizona state congressman Warren Petersen, who introduced the legislation, said the purpose of the bill was to eliminate regulatory nightmares for local businesses.

“I’m extremely concerned about economic freedom in this state,” Petersen said. “For me, I support individual rights and people making their own decisions.”

The bill was backed by state business groups such as the Arizona Retailers Association and the Arizona Food Marketing Alliance, according to the Arizona Republic.

But not everyone supported the bill.

“It’s going to make it harder for us to keep our state clean,” said congressman Ken Clark. “And if our state’s not clean, the folks who come here and spend money in our state will notice that and may not come back.”

In Phoenix alone, plastic bags lead to \$1m worth of damage to recycling equipment each year.

The House passed the bill on Tuesday in a 37-23 vote. On Thursday, the bill passed the Senate in a 19-11 vote.

Only one city in Arizona, Bisbee, currently has a plastic-bag ban.

Tuscon requires stores to report how many bags they have handed out and recycled.

The plastic bag ban was not the main focus of the initial bill, according to the Arizona Republic. Petersen introduced the bill because Phoenix was considering requiring commercial buildings to report their energy use.

Environmental campaigners have spoken out against the bill. Sandy Bahr, director of the Sierra Club's chapter for the Grand Canyon, said that she was outraged.

"It's not a fixable bill. It takes away the ability to implement energy-saving and waste reduction measures," she said.

Topics

Arizona

Plastic bags

Waste